

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

- against -

**GEN-SEE CAPITAL CORPORATION, a/k/a
GEN UNLIMITED and RICHARD S. PICCOLI,**

Defendants.

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09-CV-14S

**ORDER TO PERMIT A FINAL
DISTRIBUTION AND TO PAY DISTRIBUTION AGENT**

WHEREAS, on August 25, 2010, the Court entered an order approving a Distribution Plan and appointing A.B. Data, Ltd., as Distribution Agent the (“Distribution Agent”);

WHEREAS, in an order dated June 13, 2012, the Court amended the Distribution Plan to allow the Distribution Agent to issue the distribution checks;

WHEREAS, the Distribution Agent has distributed \$6,239,712.93 to 615 claimants;

WHEREAS, plaintiff Securities and Exchange Commission has filed a motion to permit a final distribution to claimants and to pay the Distribution Agent;

NOW, THEREFORE,

IT IS ORDERED THAT the motion to permit a final distribution to claimants and to pay the Distribution Agent (Docket No. 75) is GRANTED;

IT IS FURTHER ORDERED THAT pursuant to the Distribution Plan, the Distribution Agent is ordered to distribute \$540,056.09 to claimants, and to maintain a reserve of \$53,701.68 to pay the final fees of the Distribution Agent and the Tax Administrator as provided for in this Order;

IT IS FURTHER ORDERED THAT paragraph II.B of the Order Appointing a Distribution Agent (Docket No. 38) is amended to allow the Distribution Agent to be paid an additional \$38,701.68, and that this payment will constitute the final payment to the Distribution Agent;

IT IS FURTHER ORDERED THAT all funds distributed to claimants will be applied to defendants' disgorgement obligation;

IT IS FURTHER ORDERED THAT, when the distribution provided for in this Order is completed, the Distribution Agent shall file with the Court a final report that shall include a final accounting of all monies received and distributed in connection with the administration of the Distribution Plan, and a final report and accounting Standardized Fund Accounting Report ("SFAR");

IT IS FURTHER ORDERED THAT, the Clerk of Court is directed to instruct First Niagara Bank, this Court's designated depository, to close the registry account and issue a bank draft payable to Clerk, U.S. District Court equal to the sum of 10% of the interest earned while such funds were held. Such fee is to be paid to the Treasury of the United States in accordance with law. The remaining balance of the registry account including accrued interest to date is to be paid to the Distribution Agent, A.B. Data, Ltd., representing final disbursement of funds. The Distribution Agent shall deposit the funds into the Distribution Account for Distribution to Eligible Claimants;

IT IS FURTHER ORDERED THAT, the Distribution Agent is instructed to provide the Fair Fund's Tax Identification Number to the Clerk of Court forthwith for IRS reporting of earned interest.; and

IT IS FURTHER ORDERED THAT this Court shall retain jurisdiction over this matter.

SO ORDERED.

Dated: January 24, 2014
Buffalo, New York

s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court